

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12-CV-00392-RJC

COTHRAN

v.

UNITED STATES MARSHALS SERVICE

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ORDER

THIS MATTER comes before the Court upon Petitioner's motion for a certificate of appealability, pursuant to 28 U.S.C. § 2253(c)(1), and for appointment of counsel. (Doc. No. 10).

Pursuant to § 2253(c)(2), this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong).

IT IS, THEREFORE, ORDERED that Petitioner's motion for a certificate of appealability and for appointment of counsel, (Doc. No. 10), is **DENIED**.

Signed: October 21, 2014



Robert J. Conrad, Jr.
United States District Judge

